

22763 U.S. PTO  
120903

17302 U.S. PTO  
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120903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6152CIP2/D/D1  
Anticipated Classification of this application:  
Class: 424 Subclass: 184100  
Prior application: Examiner: Baskar, P.  
Art unit: 1645

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 09/811,007 filed on March 16, 2001, entitled **Methods to Enhance and Confine Expression of Genes**.

1. X Enclosed is a new specification and drawings containing no new matter, including the declaration as originally filed.
2. X Small entity status under and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. X The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For: _____	No. filed _____	No. extra _____
Basic Fee		
Total claims*	20 = <u>4</u>	<u>0</u> _____
Indep. claims*	3 = <u>1</u>	<u>0</u> _____

0 Multiple Dependent Claim Presented

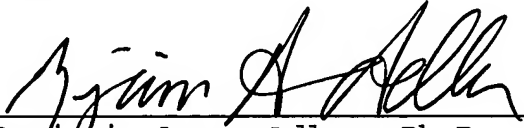
<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$385.00	or		\$ .00
<u>2</u> x \$43 = \$ _____		or	_____ x \$ _____ = \$ _____	
<u>5</u> x \$ 9 = \$ _____		or	_____ x \$ _____ = \$ _____	
+ \$ _____ = \$ _____		or	\$ _____ = \$ _____	
TOTAL \$385.00		or	TOTAL \$ _____	

4. X The Commissioner is hereby authorized to charge the \$385.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185..

5. X The claims in the instant application correspond to claims 17-20 of the prior application of which claim 17 is an independent claim and contain no new matter. This effectively cancels claims 1-16.
6. X This application is a divisional application of U.S.S.N. 09/811,007, filed March 16, 2001, which is a divisional application of U.S.S.N. 09/660,587, filed September 12, 2000, issued May 21, 2002 as U.S. 6,392,023, which is a continuation-in-part of U.S.S.N. 09/261,358, filed March 3, 1999, issued June 11, 2002, as U.S. 6,403,780, which is a continuation-in-part of U.S.S.N. 09/201,458, filed November 30, 1998, issued October 1, 2002, as U.S. 6,458,942.
7. — Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. X Figures 1A-1B, 2, 3A-3B, 4-6, 7A-7C, and 8-16 are enclosed on 20 sheets.
9. — Priority of application serial no. filed on in —, is claimed under 35 U.S.C. 119.
- The certified copy of the priority application has been filed in prior application serial no.
10. a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
- X the same
- b. X The inventorship for all the claims in the application are:
- X the same
- not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. X The prior application is a divisional application the parent of which is assigned of record to Research Development Foundation and is located on Reel 011169/Frame 0760.
12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.

- a. ☒ The Power of Attorney appears in the form of a Combined Declaration and Power of Attorney and is enclosed.
- c. ☒ Address all future communications to:
- Dr. Benjamin Adler  
Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071
13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
- a. ☐ A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
14. ☒ The sequence listing is enclosed, including a paper copy and a Request to Use Computer Readable Form from Another Application with a compliance statement indicating that the sequence listing on the paper copy and the requested disk are one and the same.

12/9/03  
Date

  
Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Attorney for Applicant

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CERTIFICATE OF EXPRESS MAILING  
UNDER 37 CFR 1.10

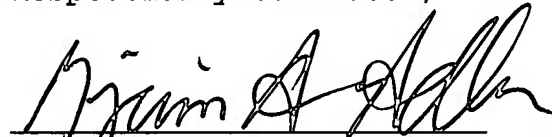
I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV417704061US in an envelope addressed to: MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE:

Dec 9, 2003



Benjamin Aaron Adler, Ph.D., J.D.  
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